

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**DL,**  
**Plaintiff,**

**v.**

**JS,**  
**Defendant.**

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**Civil Action No. 1:23-cv-1122**

**PLAINTIFF’S MOTION FOR LEAVE TO FILE UNDER SEAL**

Plaintiff DL, by and through his undersigned counsel, pursuant to Federal Rules of Civil Procedure 5.2, respectfully moves this Court for an order permitting Plaintiff to file under seal the Summons for defendant.

Plaintiff seeks to seal the Summons for the defendant to protect defendant’s personal information from the general public. Plaintiff previously filed a Motion to proceed under pseudonyms to avoid violation of a Utah Court Order classifying a case filed there by Defendant JS as private.<sup>1</sup>

Because the privacy rights of Plaintiff, Defendant, and their respective families outweigh the presumption of openness in federal courts, Plaintiff should be allowed to file under seal the Summons for defendant.

If the Court grants the Plaintiff’s leave to file the summons under seal, the Plaintiff will file the Summons for the defendant with the Clerk.

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<sup>1</sup> To protect Plaintiff’s privacy pending consideration of his previous motion, which was filed with Plaintiff’s Complaint. Plaintiff has used the pseudonyms for which Plaintiff has sought leave to use in this action. Should the Court deny Plaintiff’s previous motion, Plaintiff will amend his pleadings to use his real name and the real names of Defendant and Defendant’s daughter.

**CONCLUSION**

The highly sensitive and private nature of the information at issue and the previously filed Utah lawsuit which has been classified as private both support granting leave for the Plaintiff to file under seal the summons for defendant. Granting this motion will not prejudice Defendant or the public. In sum, this is an exceptional case where the need for anonymity outweighs the public interest in disclosing the identities of the parties or their families.

For these and the foregoing reasons, Plaintiff respectfully requests that the Court grant his motion to file under seal.

Date: September 25, 2023

Respectfully submitted,

/s/ Derek Merman

Derek Merman *Pro Hac Vice pending*

Attorney in Charge

Texas Bar No. 24040110

Federal Bar No. 578113

**HEARD MERMAN LAW FIRM**

4900 Fournace Place, Suite 240

Bellaire, Texas 77401

713.665.1100 Voice

713.481.7082 Facsimile

[HLFpi@HeardMerman.com](mailto:HLFpi@HeardMerman.com)

/s/ Dick DeGuerin

Dick DeGuerin

**DEGUERIN & DICKSON**

Texas Bar No. 05638000

Federal Bar No. 6204

1018 Preston, 7<sup>th</sup> Floor

Houston, Texas 77002

713.223.5959 Voice

713.223.9231 Facsimile

[dick@deguerin.com](mailto:dick@deguerin.com)

**ATTORNEYS FOR PLAINTIFF**